

**REGULAR MEETING  
ASHEBORO CITY COUNCIL  
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL  
THURSDAY, DECEMBER 10, 2020  
7:00 PM**

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This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith                                 ) – Mayor Presiding

Edward J. Burks                                 )  
Walker B. Moffitt                                 )  
Jane H. Redding                                 ) – Council Members Present  
Katie L. Snuggs                                 )  
Charles A. Swiers                                 )

Clark R. Bell                                     ) – Council Members Absent  
Linda H. Carter                                     )

John N. Ogburn, III, City Manager  
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal  
John L. Evans, Assistant Community Development Director  
Jeffrey C. Sugg, City Attorney  
D. Richard Thompson, Jr., Police Captain

**1. Call to order.**

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

**2. Moment of silent prayer and pledge of allegiance.**

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

**3. Public comment period.**

Mayor Smith opened the floor for public comments, and none were offered.

Mayor Smith then closed the public comment period.

**4. Update on the City of Asheboro United Way Campaign.**

City of Asheboro United Way Campaign Co-Chairs John Evans and Kristen Terry updated the council on the 2020-2021 campaign totals. Due to the novel coronavirus pandemic, difficult decisions had to be made as to how to conduct the campaign.

The city campaign was delivered online. No in-person meetings were held. The total raised for 2020-2021 was \$27,968.40, which was down from the \$35,612.00 raised during the preceding year. The fundraising still represents a significant contribution to 17 United Way agencies.

**5. Consent agenda.**

Upon motion by Council Member Burks and seconded by Council Member Swiers, the council voted unanimously to approve/adopt the following consent agenda items. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion. There were no dissenting votes.

- (a) **The meeting minutes for the city council's regular meeting on November 5, 2020.**

The approved meeting minutes are on file in the city clerk's office, and an electronic copy of the document is posted on the city's website.

- (b) **The meeting minutes for the city council's special meeting on December 3, 2020.**

The approved meeting minutes are on file in the city clerk's office, and an electronic copy of the document is posted on the city's website.

- (c) **The acknowledgment of the receipt from the Asheboro ABC Board of its meeting minutes for October 7, 2020, including the FY 2019-2020 annual audit.**

The minutes of the meeting held by the Asheboro ABC Board on October 7, 2020, including the board's FY 2019-2020 annual audit, have been received by the city clerk, distributed to Mayor Smith and the Council Members for review, and have been filed in the city clerk's office.

- (d) **An ordinance setting the Asheboro City Council's schedule for regular meetings during the 2021 calendar year.**

**ORDINANCE NUMBER 31 ORD 12-20**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS OF THE ASHEBORO CITY COUNCIL DURING THE 2021 CALENDAR YEAR**

**WHEREAS**, Section 31.04(A) of the Code of Asheboro provides that the "City Council shall hold a regular meeting on Thursday after the first Monday of each month;" and

**WHEREAS**, in an effort to avoid reasonably foreseeable scheduling conflicts with the Independence Day and Labor Day holidays, the Asheboro City Council has decided to reschedule its regular meetings in July 2021 and September 2021.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Asheboro as follows:

**Section 1.** During the 2021 calendar year, and subject to any notices to the contrary issued in accordance with the applicable laws and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the council chamber on the second floor of Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

**Section 2.** Due to the Independence Day holiday, the regular meeting of the Asheboro City Council in July 2021 shall be held in the council chamber on the second floor of Asheboro City Hall, with a beginning time of 7:00 p.m., on July 15, 2021.

**Section 3.** Due to the Labor Day holiday, the regular meeting of the Asheboro City Council in September 2021 shall be held in the council chamber on the second floor of Asheboro City Hall, with a beginning time of 7:00 p.m., on September 16, 2021.

**Section 4.** For purposes of clarity, the schedule is as follows for regular meetings of the Asheboro City Council during the 2021 calendar year:

<u>Month</u>	<u>Meeting Date</u>
January	7 <sup>th</sup>
February	4 <sup>th</sup>
March	4 <sup>th</sup>
April	8 <sup>th</sup>
May	6 <sup>th</sup>
June	10 <sup>th</sup>
July	15 <sup>th</sup>
August	5 <sup>th</sup>
September	16 <sup>th</sup>
October	7 <sup>th</sup>
November	4 <sup>th</sup>
December	9 <sup>th</sup>

**Section 5.** All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 4 of this Ordinance. With the exception of rescheduling the Asheboro City Council's regular meetings in July 2021 and in September 2021, the provisions of Section 31.04 of the Code of Asheboro remain in full force and effect.

**Section 6.** This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2021.

**This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

/s/David H. Smith  
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk

- (e) The planning department's request to schedule and advertise for January 7, 2021, a quasi-judicial hearing on an application to rezone a portion of the property at 124 Woodcrest Drive (Randolph County Parcel Identification Number 7752905855) from R10 to CU-I2 zoning and to obtain a conditional use permit authorizing a warehouse and wholesale distribution.
- (f) Approval of the following resolution honoring Master Police Officer Kevin P. Ingold by awarding to him the service side arm he carried at the time of his retirement.

RESOLUTION NUMBER 30 RES 12-20

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION AWARDING TO KEVIN P. INGOLD  
HIS SERVICE SIDE ARM UPON RETIREMENT FROM THE  
ASHEBORO POLICE DEPARTMENT**

**WHEREAS**, after rendering honorable and valuable service to the City of Asheboro and its citizens throughout the course of his Asheboro Police Department career, which began on January 4, 1993, Master Police Officer Kevin P. Ingold will begin his retirement from employment with the city effective January 1, 2021; and

**WHEREAS**, pursuant to and in accordance with Section 20-187.2 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor Officer Ingold for his dedicated service to the city by awarding to him, at a minimal monetary cost, the service side arm that he carried at the time of his retirement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, effective January 1, 2021, in consideration of the combination of his dedicated service to the City of Asheboro and the payment to the city of \$1.00, Kevin P. Ingold is to be awarded ownership of his city-issued service side arm (a Glock 9mm model 45 with serial no. BLKC 002 and three magazines) upon a determination by the police department command staff that Mr. Ingold is eligible under the applicable federal and state laws to receive, own, or possess a firearm.

**This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

**/s/ David H. Smith**  
**David H. Smith, Mayor**

**ATTEST:**

**/s/ Holly H. Doerr**  
**Holly H. Doerr, CMC, NCCMC, City Clerk**

- (g) **Approval of the following resolution honoring Fire Battalion Chief C. Brian Lewis by awarding to him his helmet and other uniform items issued to him at the time of his retirement.**

RESOLUTION NUMBER 31 RES 12-20

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION HONORING FIRE BATTALION CHIEF CHARLES BRIAN LEWIS  
UPON HIS RETIREMENT FROM THE ASHEBORO FIRE DEPARTMENT**

**WHEREAS**, Charles Brian Lewis, who was promoted to the position of Fire Battalion Chief on October 1, 2016, has provided honorable, skilled, and dedicated service to the City of Asheboro and its citizens since the date of his initial employment with the Asheboro Fire Department on October 9, 1996; and

**WHEREAS**, Chief Lewis will begin his retirement from the City of Asheboro on January 1, 2021; and

**WHEREAS**, pursuant to and in accordance with Section 160A-294.1 of the North Carolina General Statutes, the Asheboro City Council wishes to recognize and honor this dedicated public servant by awarding to Chief Lewis, at a minimal monetary cost, the fire helmet most recently assigned to him by the city; and

**WHEREAS**, due to the extended use of his Class A uniform, badges, name plate, “serving since” attachment to the name plates, and sets of rank insignia collar pins that cannot be placed in the market place without posing a risk of allowing unauthorized individuals to hold themselves out as fire department officials and thereby pose a threat to public safety, the Asheboro City Council has concluded, consistent with Section 160A-266(d) of the North Carolina General Statutes, that the city’s use of the listed items will end at the end of the day on December 31, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that, on behalf of the citizens of Asheboro, the governing board extends its sincere thanks and appreciation to Chief Lewis for his public service; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, in consideration and recognition of his dedicated service, Charles Brian Lewis is to be awarded, at less than fair market value, ownership of his city-issued fire helmet, inclusive of his helmet shield; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, in furtherance of this recognition of a valued public servant, the city staff is hereby directed to convey to Chief Lewis, on or after January 1, 2021, his Asheboro Fire Department helmet and shield for a purchase price of one dollar (\$1.00); and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the city staff is hereby directed to convey to Chief Lewis, on or after January 1, 2021, and without charge, his Class A uniform, badges (a quantity of two), name plates (a quantity of two), the “serving since” attachment to the name plates, and rank insignia collar pin sets (a quantity of two).

**This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

**/s/ David H. Smith**  
**David H. Smith, Mayor**

**ATTEST:**

**/s/ Holly H. Doerr**  
**Holly H. Doerr, CMC, NCCMC, City Clerk**

**6. Assistant Community Development Director John Evans introduced the following community development division items:**

**(a) Quasi-Judicial Hearing: An application (RZ-CUP-20-11) to rezone property (Randolph County Parcel Identification Number 7750202309) at 881 Curry Drive from CU-B2 to CU-I1 zoning and to obtain a conditional use permit authorizing a motor vehicle repair-major land use.**

The applicant requesting CU-I1 zoning and a conditional use permit authorizing a motor vehicle repair-major land use is SBT Real Estate Holdings, LLC. The land for which the zoning change and a conditional use permit have been requested (the “Zoning Lot”) is an approximately 5.56-acre parcel of land (Randolph County Parcel Identification Number 7750202309) owned by Red Dirt, L.L.C. at 881 Curry Drive.

Due to the application requesting both a rezoning of the lot and the issuance of a conditional use permit, a combined hearing, which was conducted as a quasi-judicial proceeding, was held on the question of the application. Mayor Smith opened the hearing, and, during the course of the hearing, the city clerk placed the following witnesses under oath before they addressed the council:

David Boling – G.H. Batten  
Phillip Brower – Neighbor  
John Evans – Assistant Community Development Director  
Allen Hill, PE – Triad Design Group  
Amanda Hodierne, Esq. – Counsel for SBT Real Estate Holdings, LLC  
Sally Thomas – Manager of SBT Real Estate Holdings, LLC

Assistant Community Development Director John Evans was the first witness. As part of his testimony, and in supplementation of the written planning staff report submitted to the council to document among other things that legal notices were mailed to adjoining property owners on November 23, 2020, Mr. Evans presented the following analysis on behalf of the city's planning staff:

1. The property is within the city limits and receives city services. Sewer service is provided with a privately maintained pump station.
2. McDowell Road is a state-maintained minor thoroughfare. Lambert Drive is a state-maintained collector street that connects McDowell Road to United States Highway 64. Curry Drive is a city-maintained street that serves the Zoning Lot and adjoining commercial development. I73/I74 is an interstate freeway.
3. The previous use of the Zoning Lot was an eating establishment (K & W Cafeteria). This use was originally developed as part of a commercial subdivision, which included the Zoning Lot.
4. There is a stream on the property. The North Carolina Department of Environmental Quality will need to be contacted prior to any land activity that impacts the stream or its banks.
5. The zoning ordinance describes the I1 zoning district as "to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts."
6. The Land Development Plan Land Development Categories section describes the intent of an Employment Center as being "to integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space."
7. Along with the requested rezoning, the applicant is also requesting a conditional use permit to authorize a motor vehicle repair-major land use.

In terms of the compliance of the requested rezoning with the city's comprehensive plans, the following LDP goals/policies support the application:

**Checklist Item 1:** The proposed rezoning is compliant with the Proposed Land Use Map.

**Checklist Item 3:** The property on which the rezoning district is proposed fits the description of the Zoning Ordinance (*Article 200, Section 210, Schedule of Statements of Intent*).

**Checklist Item 5:** The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

**Checklist Item 7:** The proposed rezoning is compatible with the applicable Small Area Plan.

**Checklist Item 10:** Rezoning is consistent with Land Category Descriptions.

**Checklist Item 12:** Property is located outside of watershed.

With regard to the above-referenced designations for the Zoning Lot, the referenced designations are as follows:

**Proposed Land Use Map Designation:** Employment Center

**Small Area Plan:** Southwest

**Growth Strategy Map Designation:** Primary Growth

The following LDP goals/policies do not support the application:

**Checklist Item 14:** Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

**2.1.5:** The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

The City of Asheboro Planning Board concurred with the city planning staff's analysis of the requested rezoning and recommended approval of the application to rezone the Zoning Lot from conditional use general commercial (CU-B2) to conditional use light industrial (CU-I1). The staff and planning board analysis of the application's consistency with adopted comprehensive plans and the public interest, as well as the reasonableness of the requested rezoning, provided as follows:

The subject property is designated by the Land Development Plan as part of an employment center, which includes a mixture of complementary office, commercial, and industrial uses. The current uses of the adjoining commercial development also include office and medical uses, with the potential for other commercial development on the undeveloped lots within the development. The Southwest Small Area Plan also indicates that employment centers are focused along interchanges of the I73/I74 corridor, which is easily accessible to this property with a signalized intersection.

While a general use industrial zoning designation may not be appropriate at this location, the conditional use district and permitting process can help ensure that any proposed use is not out of character with adjacent and nearby residential properties. In addition to a review of the proposed land use, the Conditional Use Permitting process offers a better opportunity for additional public input related to specific uses, site design, access, and other features emphasized by the "Employment Center" designation, such as landscaping and pedestrian connectivity, that may not be possible with a general district request.

Based on the above-stated analysis, city staff and the planning board concluded, as part of their recommendation to the council, that the requested CU-I1 district is, in overall terms, consistent with the Land Development Plan, reasonable, and in the public interest.

Mr. Evans' testimony included verbal comments to accompany the city planning staff's written analysis of the conditional use permit application. This analysis included the following information:

1. The applicant is requesting a conditional use permit for motor vehicle repair-major.
2. The proposal is to use the existing structure, plus add an addition to the side of the structure facing away from Lambert Drive. Six work bays are proposed.
3. Major automobile repair is defined as "any automotive repairs or servicing not listed under Motor Vehicle Repair, Minor. Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP."
4. Motor Vehicle Repair, Minor is defined as the following:
  - A. Sale and service of spark plugs, batteries, and distributor and ignition system parts.
  - B. Sales, service and repair of tires, but not recapping or regrooving.
  - C. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.
  - D. Radiator cleaning, flushing, and fluid replacement.
  - E. Greasing and lubrication.
  - F. Providing and repairing fuel pumps, oil pumps, and lines.
  - G. Minor adjustment and repair of carburetor.
  - H. Emergency repair of wiring.
  - I. Adjusting brakes and installing exchange brake shoes.
  - J. Minor motor adjustment not involving removal of the head or crankcase and grinding valves.
  - K. Wheel balancing.
  - L. Battery recharging.
  - M. Warranty maintenance and safety inspections.
  - N. Other minor servicing of similar intensity to those listed above.
5. A second entrance from Curry Drive is proposed, which requires a driveway permit from the City of Asheboro. The North Carolina Department of Transportation has indicated that they will not require modifications or road improvements to any state-maintained roads leading up to the property.
6. The applicant is also proposing a sidewalk along Curry Drive in front of the property. While the zoning ordinance does not specifically require this due to the property being zoned industrial and only requiring sidewalks on thoroughfares that possess curb and gutter, the "Employment Center" designation does identify



having “ample sidewalks” as part of the intent of an Employment Center. Elimination of the sidewalk would likely be considered a permit modification and would require a new conditional use permit and rehearing by the council.

In addition to the testimony provided by Mr. Evans, the applicant’s attorney, manager, civil engineer, and general contractor provided testimony. This testimony was offered in support of the application. A neighbor also testified, but this testimony was not offered for the purpose of contradicting the testimony of any other witness.

While a real estate appraiser did not testify, the applicant’s legal counsel submitted a written statement from Laura K. Mallory, MAI, who is a North Carolina State Certified General Real Estate Appraiser, asserting, on the basis of her findings, that the applicant’s proposed land use will not substantially injure the value of adjoining or abutting property. No objections were raised by any party to the submittal of this statement.

During her testimony, the applicant’s legal counsel, Ms. Hodierne, specifically addressed the four standards for the issuance by the council of a conditional use permit. Additionally, Ms. Hodierne confirmed that the applicant consented to the attachment of the following conditions to the requested conditional use permit:

- (A) Hours of operation shall be limited to 7am to 7pm Monday through Friday and 7am to 5pm on Saturdays.
- (B) Trash pickup shall be limited to 8am to 5pm Monday through Friday.
- (C) Parking lot sweeping shall be limited to 7am to 10pm Monday through Saturday.
- (D) The applicant may use existing vegetation as indicated on the site plan, however, if any required vegetation is removed, additional plantings will be required in compliance with the applicable landscaping provisions of the zoning ordinance.
- (E) Prior to the issuance of a zoning compliance permit, the applicant shall obtain a City of Asheboro driveway permit.
- (F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds, a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional use permit in the chain of title for the Zoning Lot.

After all interested parties had been provided an opportunity to present testimony and ask questions, Mayor Smith transitioned the hearing to the deliberative phase.

With regard to the requested zoning map amendment, the city council concurred with the analysis received from the city planning staff and the city planning board concerning the application’s reasonableness as well as the application’s consistency with the city’s comprehensive plans and the public interest.

Council Member Moffitt moved, and Council Member Snuggs seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion:

1. Based on the designation by the Land Development Plan, the Zoning Lot is part of an employment center, which includes a mixture of complementary office, commercial, and industrial uses. The adjoining commercial development includes office and medical uses, with the potential for other commercial development on the undeveloped lots within the development. The Southwest Small Area Plan, which includes the Zoning Lot, also indicates that

employment centers are focused along interchanges of the I73/I74 corridor, which is easily accessible to the Zoning Lot with a signalized intersection.

While a general use industrial zoning designation may not be appropriate at this location, the requested conditional use district with the associated permitting process will help ensure that any proposed use is not out of character with adjacent and nearby residential properties. Additionally, the conditional use permitting process offers a better opportunity for additional public input related to specific uses, site design, access, and other features emphasized by the “Employment Center” designation, such as landscaping and pedestrian connectivity, that may not be possible with a general district request.

Thus, the council finds the rezoning request to be consistent with the city’s comprehensive plans as well as reasonable and in the public interest.

2. In light of the above-stated analysis, and looking at the totality of the evidence, the requested zoning map amendment to place the Zoning Lot in a CU-I1 zoning district is approved as consistent with the adopted plan.

Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes. Consequently, the above-stated motion was adopted unanimously.

After approving the requested zoning map amendment, the council members concluded that the standards for granting the requested conditional use permit had been met. Upon motion by Council Member Moffitt, and seconded by Council Member Burks, the council voted unanimously to approve the requested conditional use permit, with the above-stated conditions, authorizing a motor vehicle repair – major land use. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

The final decision document authorizing the above-described conditional use permit will be approved by the council during its next regular meeting.

**(b) SUB-17-02: Final Plat Certification for Robins Nest, Phase 2, Section 2.**

Assistant Community Development Director John Evans presented the planning staff’s analysis of the request for certification of the final plat for Phase 2, Section 2 of the Robins Nest subdivision. The land at issue with the requested final plat certification is located at the end of Finchley Court, west of Gold Hill Road, and is more specifically identified by the following Randolph County Parcel Identification Numbers: 7762751483, 7762754678, 7762668154, and 7762752727.

The applicant, Davidson Land Development, LLC, has requested approval of a final plat that shows 19 lots with an average lot size of approximately 17,981 square feet. The property to be subdivided is currently undeveloped with infrastructure (streets and utilities) under construction. The property is an R10 zoning district.

During his presentation, Mr. Evans discussed the following planning staff analysis of the requested final subdivision plat certification:

1. The property is located in the city limits. City Services are available.
2. The proposal is for the extension of an existing conventional residential subdivision, Robins Nest, Phase 2, Section 2.
3. Single-family and two-family dwellings are permitted in the R10 zoning district if lot size requirements are met.

4. Two existing entrances serve the development from the existing Phase 1.
5. This section of Robins Nest Phase 2 includes the extension of Robins Nest Drive, plus the addition of a new public street, Oriole Court, ending in a cul-de-sac. City-maintained streets are proposed to be extended 1,055.5 linear feet.
6. Future phases defined as a major subdivision (extension of public rights-of-way, publically-maintained water, or publicly-maintained sewer) will be reviewed under the major subdivision process at a later date.

In addition to the approval recommended by city planning staff, the City of Asheboro Planning Board recommended approval of the requested final plat certification.

Upon motion by Council Member Swiers, and seconded by Council Member Redding, the council voted unanimously to approve the final plat certification requested for the Robins Nest Phase 2, Section 2 subdivision. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

A copy of the approved final plat is on file in the City of Asheboro Community Development Division.

**(c) Public hearing and council action on the question of the adoption of the Davidson Randolph Regional Hazard Mitigation Plan.**

Mayor Smith opened a public hearing on the question of the adoption by the Asheboro City Council of the Davidson Randolph Regional Hazard Mitigation Plan.

During the hearing, Assistant Community Development Director John Evans explained the hazard mitigation plan adoption process and the requested action. No other individuals asked to be heard by the council.

Mayor Smith then transitioned to the deliberative phase of the public hearing. Council Member Burks moved, and Council Member Swiers seconded the motion, to adopt the following resolution by reference. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**32 RES 12-20**

**RESOLUTION OF ADOPTION BY CITY OF ASHEBORO FOR  
DAVIDSON RANDOLPH REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the citizens and property within the City of Asheboro are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to an array of natural and other hazards that can endanger public health and safety and cause loss of life and damages to public and private property; and

WHEREAS, the City of Asheboro desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill

300 effective July 1, 2001), states therein in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the City of Asheboro has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Asheboro City Council to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the Asheboro City Council hereby:

1. Adopts the Davidson Randolph Regional Hazard Mitigation Plan; and
2. Vests the City of Asheboro Community Development Division with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the City of Asheboro Community Development Division to assure that the Davidson Randolph Regional Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the City of Asheboro for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Davidson Randolph Regional Hazard Mitigation Plan.

Adopted on this day, December 10, 2020.

David H. Smith,  
Mayor, City of Asheboro

**7. Public hearing and council action on a petition received from Omar Zamudio requesting the annexation of his land at 930 Sherwood Avenue.**

**(a) Public Hearing**

Mayor Smith opened the advertised public hearing on the question of the requested annexation of a parcel of land owned by Omar Zamudio at 930 Sherwood Avenue.

City Engineer Michael Leonard, PE was the only person who asked to speak during the public hearing. Mr. Leonard explained the statutory steps that were followed in order to process the annexation petition received from the property owner. Additionally, Mr. Leonard stated that Mr. Zamudio’s property is contiguous to Asheboro’s existing primary city limits.

**(b) Council Action**

After no one else asked to be heard, Mayor Smith transitioned to the deliberative phase of the public hearing. Council Member Burks moved, and Council Member Redding seconded the motion, to adopt the following ordinance by reference. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**ORDINANCE NO. 32 ORD 12-20**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**AN ORDINANCE EXTENDING THE ASHEBORO CITY LIMITS BY ANNEXING A  
PARCEL OF LAND CONTIGUOUS TO THE EXISTING PRIMARY CITY  
LIMITS AT 930 SHERWOOD AVENUE**

**WHEREAS**, in accordance with Section 160A-31 of the North Carolina General Statutes, Omar Joachin Zamudio petitioned the City Council of the City of Asheboro to annex into the primary city limits his parcel of land (Randolph County Parcel Identification Number 7750149570) at 930 Sherwood Avenue; and

**WHEREAS**, the territory proposed for annexation is more specifically described by metes and bounds in Section 1 of this Ordinance; and

**WHEREAS**, on November 5, 2020, by means of a duly adopted resolution (Resolution Number 28 RES 11-20), the Asheboro City Council directed the city clerk to investigate the sufficiency of the petition submitted by Mr. Zamudio, and the city clerk has in fact certified the sufficiency of the annexation petition; and

**WHEREAS**, pursuant to Asheboro City Council Resolution Number 29 RES 11-20, the city clerk caused the publication on November 13, 2020, in *The Courier-Tribune* (a newspaper with general circulation in the City of Asheboro), of legal notice that a public hearing on the question of the requested annexation would be held during the Asheboro City Council's next regular meeting, with a scheduled meeting beginning time of 7:00 p.m. on December 10, 2020, in the council chamber at Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203; and

**WHEREAS**, the public hearing was held, as advertised, on December 10, 2020; and

**WHEREAS**, the Asheboro City Council has determined that the annexation petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Asheboro as follows:

**Section 1.** By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described territory is hereby annexed and made part of the City of Asheboro, North Carolina:

*Asheboro Township, Randolph County, North Carolina:*

*BEGINNING on the existing City of Asheboro primary city limits line at a 1-inch existing iron pipe that is up 10 inches in the northern margin of the 50-foot public right-of-way for Sherwood Avenue (North Carolina Secondary Road 1204) at the southeastern corner of the Omar Joachin Zamudio property described in a warranty deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "Randolph County Registry") in Deed Book 2673, Page 1101 (the real property described in Deed Book 2673, Page 1101, Randolph County Registry is the parcel of land for which Omar Joachin Zamudio has requested annexation into the City of Asheboro, and this parcel of land will be hereinafter referred to as the "Annexation*

*Parcel”), this beginning point is at a corner shared by the Annexation Parcel with the Linda P. Hicks property described in Deed Book 1162, Page 993, Randolph County Registry and is located by means of the North Carolina Coordinate System at the coordinates of North 704,440.98 Ground US Survey Feet and East 1,752,110.61 Ground US Survey Feet (NAD 83 (2011)); thence proceeding from the beginning point by following both the existing City of Asheboro primary city limits line and the northern margin of the public right-of-way for Sherwood Avenue along the Annexation Parcel’s southern boundary line North 81 degrees 04 minutes 55 seconds West 106.06 feet to a point not set/computed point at the southwest corner of the Annexation Parcel; thence departing from the northern margin of the public right-of-way for Sherwood Avenue, but continuing to follow the existing City of Asheboro primary city limits line, by proceeding along the western boundary line of the Annexation Parcel that is contiguous to the Community Apartments Corp. of Randolph Co. property described in Deed Book 1958, Page 137, Randolph County Registry the next two bearings and distances: North 02 degrees 52 minutes 41 seconds East 12.28 feet to a 1-inch existing iron rod that is flush with the ground; thence North 02 degrees 52 minutes 41 seconds East 187.68 feet to a 1-inch existing iron pipe that is up 2 inches at the northwest corner of the Annexation Parcel, which is located by means of the North Carolina Coordinate System at the coordinates of North 704,657.14 Ground US Survey Feet and East 1,752,015.87 Ground US Survey Feet (NAD 83 (2011)); thence departing from the western boundary line of the Annexation Parcel and continuing to follow the existing City of Asheboro primary city limits line by proceeding along the northern boundary line of the Annexation Parcel that is contiguous to the Lena M. McMasters, Trustee property described in Deed Book 2346, Page 686, Randolph County Registry the following bearing and distance: South 79 degrees 45 minutes 08 seconds East 88.41 feet to a 5/8-inch new iron rod that is up 4 inches at the northeast corner of the Annexation Parcel; thence departing from the northern boundary line for the Annexation Parcel and continuing to follow the existing City of Asheboro primary city limits line by proceeding along the Annexation Parcel’s eastern boundary line the next three bearings and distances: South 01 degree 25 minutes 47 seconds East 62.95 feet along the Santiago Chavez property described in Deed Book 2639, Page 1393, Randolph County Registry to a 1-inch existing iron pipe that is up 3 inches; thence South 01 degree 57 minutes 57 seconds East 74.87 feet along the Santiago Chavez property described in Deed Book 2586, Page 1853, Randolph County Registry to a 1-inch existing iron pipe that is up 10 inches; thence South 03 degrees 17 minutes 01 second East 62.77 feet along the Linda P. Hicks property described in Deed Book 1162, Page 993, Randolph County Registry to the point and place of BEGINNING, and containing 0.438 of an acre (19,063 square feet), more or less, of land to be annexed.*

*The above-stated legal description is in accordance with a plat of survey drawn under the supervision of Dan W. Tanner, II, Professional Land Surveyor with License Number L-4787. The plat of survey is titled “Annexation Survey For: Omar Joachin Zamudio” and is identified as Job No. 11918.*

*The plat of survey referenced in the immediately preceding paragraph is recorded in Plat Book 167 \_\_\_, Page 64 \_\_\_, Randolph County Registry.*

**Section 2.** Upon and after December 10, 2020, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. The above-described territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

**Section 3.** The Mayor of the City of Asheboro shall cause to be recorded in the Office of the Randolph County Register of Deeds and in the Office of the North Carolina Secretary of State an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Randolph County Board of Elections as required by Section 163-288.1 of the North Carolina General Statutes.

**Section 4.** All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

**Section 5.** This Ordinance shall be in full force and effect upon and after the 10<sup>th</sup> day of December, 2020.

**This Ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

/s/ David H. Smith  
David H. Smith, Mayor

**ATTEST:**

/s/ Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk

**Approved as to form:**

/s/ Jeffrey C. Sugg  
Jeffrey C. Sugg, City Attorney

**8. A resolution adopting the City of Asheboro Title VI Implementation Plan to prohibit discrimination in programs, services, and activities.**

City Attorney Jeff Sugg presented for the council's consideration a resolution to adopt the City of Asheboro Title VI Implementation Plan. After a discussion of the proposed plan, the council members expressed their agreement with the proposal and acted to formally adopt the plan.

Council Member Burks moved, and Council Member Snuggs seconded the motion, to adopt the following resolution by reference. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**RESOLUTION NUMBER 33 RES 12-20**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**A RESOLUTION ADOPTING THE CITY OF ASHEBORO TITLE VI  
IMPLEMENTATION PLAN TO PROHIBIT DISCRIMINATION  
IN PROGRAMS, SERVICES, AND ACTIVITIES RECEIVING  
FEDERAL FINANCIAL ASSISTANCE**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 prohibits discrimination in activities financed by federal funds or that receive federal financial assistance; and

**WHEREAS**, since the enactment of the Civil Rights Act of 1964, additional federal regulations and court decisions have clarified the contours of the prohibition of discrimination in programs, services, and activities receiving federal financial assistance, specifically including the clarification that municipalities as subrecipients of funding made available by the Federal Highway Administration fall within the scope of Title VI; and

**WHEREAS**, prior to the adoption of this Resolution, no formal City of Asheboro plan existed to implement specific policies designed to implement in concrete and readily understood terms the nondiscrimination provisions of Title VI; and

**WHEREAS**, the formal adoption by the Asheboro City Council of the following City of Asheboro Title VI Implementation Plan, with the attached policy statements and procedures for reporting violations, will provide guidelines for the municipal corporation and its divisions and departments as well as for private persons and companies doing business with the city and receiving federal financial assistance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Asheboro that the policy statements and procedures found within the four attached exhibits, which are hereby incorporated into this Resolution by reference as if copied fully herein, are hereby adopted, effective immediately, as the City of Asheboro Title VI Implementation Plan; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that City Manager John N. Ogburn, III is hereby designated as the Title VI Liaison for the City of Asheboro; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the policy statement printed in the attached EXHIBIT 1 is hereby adopted as the City of Asheboro Title VI Nondiscrimination Policy Statement; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the external discrimination complaint form printed in the attached EXHIBIT 2 is hereby adopted, as a component of the City of Asheboro Title VI Implementation Plan, as the template for the City of Asheboro Discrimination Complaint Form; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the instructions attached to this Resolution as EXHIBIT 3 are hereby adopted as part of the City of Asheboro Title VI Implementation Plan in order to enable an individual to successfully exercise his or her right to file and have processed a complaint that discrimination has occurred in violation of Title VI of the Civil Rights Act of 1964 and/or the related nondiscrimination laws; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that, with regard to data collection and analysis concerning the minority populations within the City of Asheboro service areas, the statements addressing data collection and analysis printed in the attached EXHIBIT 4 are hereby adopted as an integral component of the City of Asheboro Title VI Implementation Plan; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Asheboro that the city's officers and employees are hereby directed to take all of the administrative steps necessary to bring into full force the City of Asheboro Title VI Implementation Plan described herein.

**This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

/s/ David H. Smith  
David H. Smith, Mayor

**ATTEST:**

/s/ Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk



**EXHIBIT 1**

**CITY OF ASHEBORO  
TITLE VI NONDISCRIMINATION POLICY STATEMENT**

It is the policy of the City of Asheboro (City) to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, United States Department of Transportation (DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.<sup>1</sup>

The following practices are hereby prohibited throughout the City in order to comply, at a minimum, with Title VI and related requirements:

- (A) Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- (B) Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- (C) Subjecting a person to segregation or separate treatment in any part of a program;
- (D) Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- (E) Methods of administration, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- (F) Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities;

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<sup>1</sup> Pertinent Nondiscrimination Authorities

- a. **Race, Color, National Origin** – Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; DOT Order 1050.2A, “Standard Title VI/Nondiscrimination Assurances;” 49 CFR 21 (DOT); 23 CFR 200 (FHWA); C 4702 1B (FTA); 49 CFR 303 (FMCSA); DOT Order 1000.12. **Sex** – 1973 Federal-Aid Highway Act, 23 U.S.C. 324; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681. **Age** – Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101. **Disability** – Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d; The **1987 Civil Rights Restoration Act**, P.L. 100-259, clarified and restored the original intent of Title VI by expanding coverage to include all “programs and activities” of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.
- b. *Other nondiscrimination authorities include, but are not limited to:* **Religion** – Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601 (Fair Housing Act); 49 U.S.C. 5332; 49 U.S.C. 47123 (Nondiscrimination). **Environmental Justice** – Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;” DOT Order 5610.2a; FHWA Order 6640.23A; FTA Circular 4703.1. **Limited English Proficiency** – Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency;” DOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601.

- (G) Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual, for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing; and
- (H) Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

To assure that appropriate program measures are implemented and monitored, the City Council of the City of Asheboro has designated Asheboro City Manager John N. Ogburn, III to serve as the City of Asheboro’s Title VI Liaison [Telephone Number: (336) 626-1201; Email: [jogburn@ci.asheboro.nc.us](mailto:jogburn@ci.asheboro.nc.us)].

On behalf of the Asheboro City Council, and as an expression of my commitment to and support of the City of Asheboro Title VI Nondiscrimination Program, I have affixed my signature as the Mayor of the City of Asheboro.

David H. Smith, Mayor

Date

**EXHIBIT 2**  
**CITY OF ASHEBORO**  
**DISCRIMINATION COMPLAINT FORM**

Any person who believes that he/she has been subjected to discrimination based upon race, color, national origin, limited English proficiency, religion, disability, sex, income-level, or age may file a written complaint with the Asheboro City Manager, who is the City of Asheboro’s Title VI Liaison, within 180 days after the discrimination occurred.

Last Name:	First Name:	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Mailing Address:	City:	State:	Zip:
Home Telephone:	Work/Cell Phone:	Email Address:	

Identify the Category of Discrimination:  
☐ RACE    ☐ COLOR    ☐ ATIONAL ORIGIN    ☐ IMITED ENGLISH PROFICIENCY  
☐ RELIGION    ☐ DISABILITY    ☐ SEX    ☐ ICOME-LEVEL    ☐ E

NOTE: Religion is covered as a basis **only** under the city’s right-of-way acquisition and land use regulatory operations (Fair Housing) and the aviation operations at the Asheboro Regional Airport.

Identify the Race of the Complainant:  
☐ Black    ☐ White    ☐ Hispanic    ☐ ian American  
☐ American Indian    ☐ Alaskan Native    ☐ Pacific Islander    ☐ Other \_\_\_\_\_

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination:

Names of individuals responsible for the alleged discriminatory action(s):		
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. <b>(Attach additional page(s), if necessary.)</b>		
The law prohibits intimidation or <b>retaliation</b> against anyone because he/she either has taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation. <b>(Attach additional page(s), if necessary.)</b>		
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or to clarify your complaint: <b>(Attach additional page(s), if necessary.)</b>		
Name	Address	Telephone
<hr/>		
<hr/>		
<hr/>		
Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.		
<input type="checkbox"/> Federal Highway Administration _____		
<input type="checkbox"/> Federal Transit Administration _____		
<input type="checkbox"/> Federal Motor Carrier Safety Administration _____		
<input type="checkbox"/> US Department of Transportation _____		
<input type="checkbox"/> NC Department of Transportation _____		
<input type="checkbox"/> Federal or State Court _____		
<input type="checkbox"/> Other _____		
Have you discussed the complaint with any representative of the City of Asheboro? If yes, provide the name, position, and date of discussion.		
Please provide any additional information that you believe would assist with an investigation. <b>(Attach additional page(s), if necessary.)</b>		

Briefly explain the remedy, or action, you are seeking for the alleged discrimination.	
<div></div>	
<b>AN UNSIGNED COMPLAINT FORM WILL NOT BE ACCEPTED. PLEASE SIGN AND DATE IN THE SPACES INDICATED BELOW.</b>	
<div></div>	<div></div>
<b>COMPLAINANT'S SIGNATURE</b>	<b>DATE</b>
<b>MAIL COMPLAINT FORM TO:</b> City of Asheboro City Manager – Title VI Liaison Post Office Box 1106 Asheboro, North Carolina 27204-1106 336-626-1201	
<b>FOR OFFICE USE ONLY</b>	
Date Complaint Received: _____	
Processed by: _____	
Referred to: _____ Date Referred: _____	

### **EXHIBIT 3**

## **CITY OF ASHEBORO EXTERNAL DISCRIMINATION COMPLAINT INSTRUCTIONS**

### **INTRODUCTION**

The Asheboro City Manager, who functions as the Title VI Liaison for the City of Asheboro, is responsible for processing, on behalf of the city, discrimination complaints filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws. Participants and beneficiaries of programs and activities administered or funded by the City of Asheboro who feel they have been discriminated against based on race, color, national origin, income-level, limited English proficiency (LEP), sex, age, or disability have a right to file a complaint. Complaints of alleged discrimination will be investigated by the appropriate authority, such as the City of Asheboro (City), the North Carolina Department of Transportation's Office of Civil Rights, or a federal agency.

**Note:** Religion is *only* covered as a basis for a complaint under the City's right-of-way acquisition and land use regulatory operations (Fair Housing) and the aviation operations at the Asheboro Regional Airport.

### **FILING OF COMPLAINTS**

- A. **Applicability** – These complaint procedures apply to City programs, activities, and services, including subrecipients and contractors receiving federal or state funds through the City. **Note:** Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).
- B. **Eligibility** – Any person or class of persons who believes he/she has been subjected to discrimination based on race, color, national origin, income-level, LEP, sex, age, or disability (and religion, where applicable) may file a written complaint with the City's Title VI Liaison. The law also prohibits intimidation or retaliation against anyone who files a complaint.
- C. **Filing Time Limits** – Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:
  - (1) The date of the alleged act of discrimination; or
  - (2) The date when the person(s) became aware of the alleged discrimination; or
  - (3) Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
- D. **Filing Options** – Title VI and related discrimination complaints may be submitted to the following entities:
  - (1) **City of Asheboro**, ATTN: City Manager – Title VI Liaison, Post Office Box 1106, Asheboro, NC 27204-1106; 336-626-1201
  - (2) **North Carolina Department of Transportation**, Office of Civil Rights, Title VI Program, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1808 or toll-free 800-522-0453
  - (3) **United States Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
    - (a) **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-314, Washington, DC 20590; 202-366-0693/202-366-0752

- (b) **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601; 919-747-7010
  - (c) **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
  - (d) **Federal Motor Carrier Safety Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591; 202-366-8810
  - (e) **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 2591; 202-267-3258
- (4) **United States Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530; 202-514-6255 or toll-free 877-218-5228
- E. **Format for Complaints** – Complaints **must be in writing and signed** by the complainant(s) or a representative, and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille. (See the accompanying *City of Asheboro Discrimination Complaint Form*.)
- F. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, income-level, LEP, sex, age, or disability; (and religion, where applicable). The term “basis” refers to the complainant’s membership in a protected group category. **Note:** Religion (or creed) is *only* protected under the City’s right-of-way acquisition and land use regulatory operations (Fair Housing) and the aviation operations at the Asheboro Regional Airport.

Protected Categories	Definition	Examples	Pertinent Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics, that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; <i>(Executive Order 13166)</i>	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; <i>(Executive Order 13166)</i>
Color	Color of skin, including shade of skin within a racial group	Black White, Brown, Yellow, etc.		
National Origin (LEP)	Place of birth. Citizenship is not a factor. <i>(Discrimination based on language or a person’s accent is also covered.)</i>	Mexican, Cuban, Japanese, Vietnamese, Chinese, Russian, French.		
Income-Level	An individual or household determined to be low-income	Poverty status	Executive Order 12898	

Sex	The sex of an individual.	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Person of any age	21 year old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics, that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332	

**COMPLAINT RECEIPT AND RESPONSE**

- A. The Asheboro City Manager/Title VI Liaison will provide written acknowledgement of your complaint within ten (10) calendar days by registered mail.
- B. The Asheboro City Manager/Title VI Liaison will review your complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.
  - (1) If the complaint is complete and no additional information is needed, the Asheboro City Manager/Title VI Liaison will send you a letter of acceptance as well as a Complainant Consent/Release form.
  - (2) If the complaint is incomplete, you will be contacted in writing or by telephone to obtain the needed information. Note: Failure to respond and/or provide the requested information within fifteen (15) calendar days may be considered good cause for a determination of no investigative merit.
- C. Within fifteen (15) calendar days of receiving your complaint, the City will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the City will notify you and Respondent (the person(s) against whom you have filed the complaint) by registered mail, stating the decision.
  - (1) If the decision is to not investigate the complaint, the notification shall specifically state the reasons for the decision.
  - (2) If the decision is to investigate the complaint, the notification shall state the grounds of the City’s jurisdiction and require your and the Respondent’s full cooperation in assisting the investigator.
  - (3) Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of North Carolina.
- D. The City will attempt to resolve all discrimination complaints within sixty (60) days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and City staff may be utilized for resolution. The City will make known all filing options and avenues of appeal.

**EXHIBIT 4**

**DATA COLLECTION AND ANALYSIS**

Under the general direction of the Asheboro City Manager/Title VI Liaison, City of Asheboro (City) division directors and department managers are responsible for the required collection by the City of racial, ethnic, and other similar demographic data on beneficiaries of or those impacted by programs, services, activities, specifically including transportation programs. The City will accomplish this task through the use of census data, American Community survey reports, and other methods.

From time to time, the City may find it necessary to request voluntary identification of certain racial, ethnic, or other data from participants in the City's public involvement events. This information will assist the City with improving its targeted outreach and measuring the effectiveness of City programs and services.

Self-identification of personal data to the City will always be voluntary and will be undertaken in a manner designed to promote anonymity. Moreover, the City will not use this data in any manner that is inconsistent with federal and state laws and regulations.

This data compilation process will be reviewed by City staff, under the general direction of the Asheboro City Manager, on a regular basis in order to ensure the collected data is sufficient to meet the requirements of the City of Asheboro Title VI Implementation Plan. Once collected, the data must be analyzed for the purpose of identifying patterns of discrimination. Each City division director and department manager is responsible for reviewing their respective program areas in an effort to identify any pattern of discrimination that may result from the specific manner in which a process or procedure is implemented.

Types of analysis to address compliance with Title VI include:

- (a) Analysis of the distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- (b) The allocation of funds by mode of transportation;
- (c) Projected population increases versus planned facilities and types of facilities;
- (d) Language needs assessments; and
- (e) Persons included in the decision making process.

Ultimately, data must be collected and analyzed so as to determine the manner in which services are or will be provided and the related necessary data must be identified, collected, and reviewed to make determinations as to whether any persons are or will be negatively impacted in the receipt of public services because of one or more factors related to membership in a protected group category.

**[End of EXHIBIT 4]**

**9. First reading and vote on a construction and demolition debris landfill franchise ordinance requested by Asheboro Land Development, LLC.**

City Attorney Jeff Sugg presented and recommended adoption of the first reading of an ordinance granting a construction and demolition debris landfill franchise to Asheboro Land Development, LLC. An advertised public hearing on the question of granting the requested franchise will be conducted during the council's regular meeting on January 7, 2021. After all interested parties are provided with an opportunity to be heard, the council will consider taking final action on the requested franchise.



Council Member Moffitt moved, and Council Member Redding seconded the motion, to approve the first reading of the following franchise ordinance by reference. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**ORDINANCE NUMBER \_\_\_\_\_ [Pending Final Approval]**

**CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA**

**AN ORDINANCE GRANTING A CONSTRUCTION AND DEMOLITION  
DEBRIS LANDFILL FRANCHISE TO ASHEBORO  
LAND DEVELOPMENT, LLC**

**WHEREAS**, pursuant to a franchise ordinance that received final approval from the Asheboro City Council (the “Council”) on April 9, 2020, with an effective date of April 15, 2020, Morton & Sewell Development Company, Inc. operates a construction and demolition debris landfill within the corporate limits of the City of Asheboro (the “City”) at 385 Gold Hill Road, Asheboro, North Carolina 27203; and

**WHEREAS**, Morton & Sewell Development Company, Inc. is proposing to convey the landfill at 385 Gold Hill Road to Asheboro Land Development, LLC, which will operate the landfill under the name of Wall Recycling rather than Gold Hill C&D Landfill; and

**WHEREAS**, in recognition of this change in ownership, the Council has been asked to grant a construction and demolition debris landfill to Asheboro Land Development, LLC; and

**WHEREAS**, immediately prior to taking final action on this request, the Council utilized a properly advertised public hearing to obtain comments from interested parties on the question of granting the requested franchise; and

**WHEREAS**, after reviewing the available information, the Council concluded that granting the requested franchise is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Asheboro as follows:

**Section 1.** Pursuant to and in accordance with Sections 130A-294 and 160A-319 of the North Carolina General Statutes, Asheboro Land Development, LLC (the “Franchisee”) is hereby granted a franchise to operate the construction and demolition debris landfill at 385 Gold Hill Road, Asheboro, North Carolina 27203 (the “Landfill”).

**Section 2.** The Landfill shall have available for its use approximately 30 acres of land permitted in accordance with the laws of the State of North Carolina for use as a construction and demolition debris landfill.

**Section 3.** No more than 500 tons of waste shall be deposited into the Landfill per day. With this amount of incoming waste, the Landfill will have an estimated life of 20 years.

**Section 4.** A facility plan for the Landfill has been submitted to the city. The facility plan includes the boundaries of the proposed facility, the proposed development of the facility, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the Landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility as well as the proposed location of soil borrow areas and all other facilities and infrastructure, including ingress and egress to the facility. No leachate facilities are needed for this construction and demolition debris landfill.

A copy of the facility plan is on file in the city clerk's office and is available for public inspection. The facility plan is hereby incorporated into this Ordinance by reference as if copied fully herein.

**Section 5.** Throughout the duration of the franchise granted by this Ordinance, the Franchisee shall purchase and maintain an environmental liability insurance policy with coverage limits of no less than \$1,000,000; a general liability insurance policy with coverage limits of no less than \$1,000,000; and workers' compensation insurance coverage that complies with the applicable provisions of the North Carolina General Statutes. The City shall be named as an additional insured under the environmental liability insurance and general liability insurance policies.

On an annual basis, the City shall be furnished with Certificates of Insurance in a form satisfactory to the City for the purpose of verifying the existence of the insurance coverage required by this section. The insurance policies mandated by this section shall provide for 30 days advance written notice of material change, cancellation, or non-renewal.

**Section 6.** The population to be served by the Landfill will be primarily commercial contractors who specialize in construction and demolition activities. The main waste stream will primarily come from the City of Asheboro and Randolph County, but all counties in North Carolina are included in the Landfill's service area.

**Section 7.** As part of its efforts to reduce, reuse, and recycle as much solid waste as possible, the City has worked in a cooperative manner with the landfill at 385 Gold Hill Road to dispose of the following materials: brush, tree trimmings, leaves, yard waste, and stumps as well as clean concrete, building materials, and construction and demolition materials. After these materials are taken to the facility by city personnel and/or others, the materials are processed in a variety of ways and, if possible, resold to the public. Therefore, the continued successful operation of the landfill at 385 Gold Hill Road will have a positive impact on the City's efforts to reduce, reuse, and recycle solid waste.

With specific regard to the disposal of construction and demolition waste, the Landfill will continue to be a vital actor in the process. The granting of the requested franchise so as to maintain a privately owned and properly permitted construction and demolition debris landfill in Asheboro is critical to providing cost-effective disposal options to meet the needs of the municipality's citizens.

**Section 8.** The waste accepted by the Landfill shall be composed of waste or debris resulting from roofing, construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures. In furtherance of the City's goal to promote and make available cost-effective disposal options that are environmentally sustainable, the Franchisee is authorized, by way of illustration and not limitation, to accept waste containing asbestos. However, the Franchisee shall monitor the waste offered to the Landfill and shall reject any unacceptable waste including without limitation organic/household waste; waste that has been in contact with petroleum, solvents, or chemicals; waste containing PCB's; and waste that has been in contact with pesticides or herbicides.

**Section 9.** The fee schedule for the Landfill is attached to this Ordinance as Exhibit A and is hereby incorporated into this Ordinance by reference as if copied fully herein. Beginning in the 2022 calendar year and continuing thereafter, this fee schedule may be adjusted by the Franchisee on an annual basis in accordance with the Consumer Price Index - All Urban Consumers, U.S. City Average, All Items (not seasonally adjusted) as published by the U. S. Department of Labor, Bureau of Labor Statistics with an index base period of 1982-84 = 100. Such an adjustment shall be made on the 1<sup>st</sup> day of July of each year that this franchise is in full force and effect. On the adjustment date, the above-referenced fee schedule may be increased by a percentage equal to the cumulative percentage increase, if any, in the above-cited consumer price index (the "CPI"). The cumulative percentage increase in the CPI means the percentage increase, if any, in the CPI for the month of May immediately preceding the adjustment date over the CPI recorded for the month of May during the preceding calendar year.

If the CPI ceases to use as the basis of calculation the standard of 1982-84 = 100, or if a change is made in the items contained in the CPI, or if the CPI is altered, modified, converted, or revised in any other manner, then the foregoing computations shall be made with the use of such conversion factor, formula, or table for converting the CPI as may be published by the Bureau of Labor Statistics. If the Bureau of Labor Statistics does not publish such conversion information, then the foregoing computations shall be made with the use of a conversion factor that adjusts the modified CPI to the figure that would have been calculated had the manner of computing the CPI not been altered.

**Section 10.** The franchise granted by this Ordinance is granted for the Landfill's life-of-site, but this period shall not exceed 60 years. The term "life-of-site" is defined in Section 130A-294(a2) of the North Carolina General Statutes.

**Section 11.** The Franchisee agrees to operate the Landfill in accordance with all applicable laws and regulations and shall comply with any permit(s) issued by the State of North Carolina.

**Section 12.** The Franchisee shall require anyone using the Landfill to comply with Section 20-116(g) of the North Carolina General Statutes.

**Section 13.** The effective date of this Ordinance shall be January 7, 2021.

**Section 14.** All ordinances and clauses of ordinances in conflict with this Ordinance, specifically including without limitation any and all previously approved construction and demolition debris landfill franchise ordinances, are hereby repealed effective April 1, 2021.

**This Ordinance was initially adopted by the Asheboro City Council during a regular meeting held on the 10<sup>th</sup> day of December, 2020.**

**The Asheboro City Council granted final approval of the Ordinance after a public hearing and second reading of the Ordinance during the Council's regular meeting on the 7<sup>th</sup> day of January, 2021.**

/s/David H. Smith  
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr  
Holly H. Doerr, CMC, NCCMC, City Clerk

#### **EXHIBIT A**

Price List for Construction and Demolition Debris:

- a. Standard Charge = \$38.00 per ton
- b. Clean Concrete = \$15.00 per ton
- c. Asbestos = \$75.00 per cubic yard
- d. Minimum Charge = \$15.00 per ton

\*This price list, as with the franchise ordinance itself, only addresses the Construction and Demolition Debris Landfill charges and is not inclusive of all user charges incurred at the Landfill.

**10. Lake Lucas Marina Dock Repairs Project.**

City Manager John Ogburn updated the council on the status of FEMA funding related to Hurricane Michael and the impact of this funding on the Lake Lucas Marina Dock Repairs Project. Certain docks at Lake Lucas were submerged as a consequence of the named storm.

FEMA has reserved \$21,000.00 for the City of Asheboro for dock repair at Lake Lucas. On November 19, 2020, the city received bids from three vendors to perform the needed dock repair work.

The low bid was \$85,757.00. Due to the difference between the reserved funding and the cost of the contemplated project, the city manager recommended rejecting all of the bids and directing the city finance department to work with FEMA to close the Hurricane Michael account. The city's recreation services and facilities maintenance personnel will be directed to reevaluate the scope of the dock repair project as part of the fiscal year 2021-2022 budget process.

Council Member Redding moved, and Council Member Burks seconded the motion, to reject all of the bids submitted for the Lake Lucas Marina Dock Repairs Project and to order the closure of the FEMA account related to Hurricane Michael. Council Members Burks, Moffitt, Redding, Snuggs, and Swiers voted aye. There were no dissenting votes.

**11. Hangar Rentals at the Asheboro Regional Airport.**

City Engineer Michael Leonard, PE led off the discussion of hangar rentals at the Asheboro Regional Airport by discussing rental rate recommendations received from the Asheboro Airport Authority. The hangar rental rate recommendations are as follows:

- (a) In response to a request from the FBO (Cardinal Air), the airport authority recommended an increase in "T" hangar rates from \$125.00/month to \$150.00/month.
- (b) For Hangars B, C, and D (uninsulated and no HVAC system), the airport authority recommended a rental rate of \$3.00/square foot or \$360.00/month with an annual rental rate increase of 3%.
- (c) For Hangar K (insulated, but no HVAC system), the airport authority recommended a rental rate of \$1.875/square foot or \$1,000.00/month with an annual rental rate increase of 3%.
- (d) For Hangar E (insulated plus HVAC system), the airport authority recommended a rental rate of \$3.00/square foot or \$500.00/month with an annual rental rate increase of 3%.
- (e) For Hangar F (insulated plus HVAC system), the airport authority recommended a rental rate of \$3.00/square foot or \$3780.00/month with an annual rental rate increase of 3%.

During the discussion of these recommendations, the council members expressed opinions reflecting the general consensus that the governing board is in agreement with the airport authority's recommendations. This discussion also led to a consensus opinion that the feasibility of the city obtaining funding to purchase Hangar N should be explored in addition to authorizing the airport authority to explore the pros and cons of building up to three additional hangars.

A resolution addressing the above-discussed hangar rental rates will be presented for council action in January 2021.

**12. Upcoming events and items not on the agenda.**

Mayor Smith and City Manager Ogburn led a discussion of upcoming events for the city government and the community in general. No action was taken by the council during this part of the meeting.

**There being no further business to conduct, the meeting was adjourned at 9:12 p.m.**

/s/Tammy M. Williams  
Tammy M. Williams, Deputy City Clerk

/s/David H. Smith  
David H. Smith, Mayor